

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

Z-TEL COMMUNICATIONS, INC.	}	
	}	
Complainant	}	
	}	
vs.	}	Docket No. 02-0160
	}	
ILLINOIS BELL TELEPHONE COMPANY, d/b/a AMERITECH ILLINOIS	}	
	}	
Respondent	}	

AMERITECH ILLINOIS' VERIFIED ANSWER
TO Z-TEL'S FIRST AMENDED VERIFIED COMPLAINT
AND REQUEST FOR EMERGENCY RELIEF

Illinois Bell Telephone Company ("Ameritech Illinois"), by its attorneys, pursuant to Section 13-515(d)(4) of the Public Utilities Act, makes the following answer to Z-Tel's First Amended Verified Complaint and Request for Emergency Relief:

In response to the second unnumbered paragraph in the prefatory portion of the Complaint, Ameritech Illinois denies that it discriminates against Z-Tel by providing more timely and complete disconnect notification to Ameritech Illinois' retail marketing operations. Ameritech Illinois states that the information obtained by Ameritech Illinois' retail marketing operations is equivalent to the information provided to Z-Tel on the 836 line loss notification reports and is obtained in the same or later time frame as information is scheduled to be provided to Z-Tel under the line loss notification process. Ameritech Illinois admits that its retail operation utilizes the line loss information that it obtains to initiate Winback marketing activity with customers that have disconnected Ameritech Illinois' services.

In response to the third unnumbered paragraph in the prefatory portion of the Complaint, Ameritech Illinois denies the general allegation that it provides Z-Tel with inaccurate, untimely and unreliable notification when Z-Tel customers change to an alternative local exchange carrier. Ameritech Illinois admits that it has identified specific system and methods and procedures issues that have resulted in some line loss notifications to Z-Tel that are either late or contain inaccurate information. At this time, Ameritech Illinois does not have definitive information on exactly how many line loss notifications provided to Z-Tel contain inaccurate or untimely information. However, Ameritech Illinois believes the percentage to be small. Ameritech Illinois lacks sufficient knowledge and information to either admit or deny in detail what effect a delayed or inaccurate line loss notification has on Z-Tel's internal operations.

In response to the fourth unnumbered paragraph in the prefatory portion of the Complaint, Ameritech Illinois denies that its conduct is causing Z-Tel irreparable harm or that Ameritech Illinois is gaining a competitive advantage in soliciting lost customers.

In response to the fifth and sixth unnumbered paragraphs in the prefatory portion of the Complaint, Ameritech Illinois denies that Z-Tel is entitled to the relief requested.

PARTIES

1. Ameritech Illinois admits the facts set forth in paragraph 1.
2. Ameritech Illinois admits the facts set forth in paragraph 2

FACTUAL BACKGROUND

3. Ameritech Illinois lacks knowledge and information sufficient to form a

belief regarding Z-Tel's description of its business operations in paragraph 3, and neither admits nor denies these allegations.

4. Ameritech Illinois lacks knowledge or information sufficient to form a belief as to the truth of the description of Z-Tel's internal business processes in paragraph 4, and, therefore, neither admits nor denies the same.

5. Ameritech Illinois lacks knowledge or information sufficient to form a belief as to the truth of the description of Z-Tel's internal business processes in paragraph 5, and, therefore, neither admits nor denies the same.

6. Ameritech Illinois admits the facts set forth in paragraph 6.

7. Ameritech Illinois admits the facts set forth in the text of paragraph 7 and admits that Exhibit A is information provided by Ameritech Illinois to Z-Tel regarding the 836 Line Loss Notification process.

8. Ameritech Illinois admits that accurate and timely line loss notifications are important to Z-Tel's business operations, including its ability to accurately bill its customers; however, Ameritech Illinois lacks knowledge or information sufficient to form a belief as to the truth of the remaining statements in paragraph 8, and, therefore, neither admits nor denies the same.

9. Ameritech Illinois admits that accurate and timely line loss notifications are important to Z-Tel's ability to accurately bill its customers; however, Ameritech Illinois lacks knowledge or information sufficient to form a belief as to the remaining statements in paragraph 9 and neither admits nor denies the same.

10. Ameritech Illinois lacks knowledge or information sufficient to form a belief as to the truth of the statements regarding Z-Tel's internal business operations, and Ameritech Illinois neither admits nor denies the statements in paragraph 10.

11. Ameritech Illinois lacks knowledge or information sufficient to form a belief as to the truth of the statements regarding Z-Tel's internal business operations, and Ameritech Illinois neither admits nor denies the statements in paragraph 11.

12. Ameritech Illinois admits that it has identified system and methods and procedures issues that have resulted in some line loss notifications to Z-Tel that are late and/or contain inaccurate information in some cases. Ameritech Illinois further states that it has taken active and aggressive measures to alleviate the delays and inaccuracies in line loss notifications to Z-Tel and to identify and fix the problems that have led to delayed and/or inaccurate line loss notifications. Except as admitted above, Ameritech Illinois denies the facts set forth in paragraph 12.

13. On information and belief, Ameritech Illinois admits that Z-Tel notified Ameritech that "N" and "C" codes appeared on some loss notifications to Z-Tel; however, Ameritech Illinois lacks knowledge or information sufficient to form a belief regarding the percentages cited by Z-Tel and neither admits nor denies these statements. Ameritech Illinois denies the remaining statements in paragraph 13.

14. Ameritech Illinois admits that some line loss notifications have been sent to Z-Tel more than one day after a customer disconnected Z-Tel's service; however, Ameritech Illinois lacks knowledge or information sufficient to form a belief as to the quantity or percentage of line loss notifications that were sent more than one day after

the customer disconnected or as to the average length of delay and neither admits nor denies those statements.

15. Ameritech Illinois admits that Ameritech Michigan filed a Report with the Michigan Public Service Commission on January 29, 2002, in which it identified the issues described by Z-Tel. Ameritech Illinois states that the Report speaks for itself.

16. Ameritech Illinois lacks knowledge or information sufficient to form a belief as to the number and types of complaints that have been lodged against Z-Tel or the reasons for those complaints and neither admits nor denies the statements in paragraph 16.

17. Ameritech Illinois admits that it has acknowledged that delays and/or errors in the line loss notifications provided by Ameritech Illinois to Z-Tel have resulted in Z-Tel continuing to bill customers after the customers have disconnected Z-Tel's services.

18. Ameritech Illinois admits the statements in paragraph 18.

19. On information and belief, Ameritech Illinois admits that Z-Tel notified Ameritech in May 2001 of problems it was experiencing with line loss notifications. Ameritech Illinois further states that Ameritech worked diligently in May and June 2001 to resolve the issues that were presented by Z-Tel at that time.

20. On information and belief, Ameritech Illinois admits that on January 24, 2002, Z-Tel notified SBC Ameritech that two of the issues that had been presented in May and June 2001 continued to reoccur. Ameritech Illinois admits that SBC Ameritech assured Z-Tel that it was working to resolve the issues and states that SBC Ameritech

has worked diligently to resolve all of the issues presented by Z-Tel. Ameritech Illinois denies any remaining allegations in paragraph 20.

21. Ameritech Illinois admits that it has not yet resolved all of the issues that have been identified that may have led to delayed or inaccurate line loss notifications. Ameritech Illinois further states that some of the issues have been resolved, and SBC Ameritech is working diligently to resolve the remaining issues at the earliest possible opportunity.

22. Ameritech Illinois admits that its retail marketing operations receive notice when an Ameritech Illinois customer migrates to another local exchange carrier, but denies that its retail marketing operations receive notice of the identity of the CLEC that has won the customer. Ameritech Illinois denies the remaining allegations of paragraph 22.

23. Ameritech Illinois admits that it does not use the Issue Number 7 EDI Interface or the LSOG 4 to provision Ameritech's retail lines. Ameritech Illinois states that the EDI interfaces were developed to allow CLECs to communicate electronically with Ameritech Illinois' operating support systems and were not intended for use by Ameritech Illinois' retail operations. Ameritech Illinois further states that the information provided to Z-Tel and other CLECs on the 836 loss notification reports transmitted through the EDI interfaces is equivalent to the information that Ameritech Illinois' retail marketing operations receive.

24. Ameritech Illinois admits the statements in paragraph 24.

25. Ameritech Illinois admits that when it loses a customer to a competitor, its retail marketing operations engage in Winback marketing activity with that customer.

Ameritech Illinois denies that its retail marketing operations are informed of the identity of the CLEC that has won the customer.

26. Ameritech Illinois admits that Winback marketing materials are sent to customers soon after Ameritech Illinois' retail marketing operations receive notice of a customer loss, but denies that these materials are always sent 5 days after the customer terminates Ameritech Illinois' service.

27. Ameritech Illinois admits that its Winback marketing promotions are directed at customers that have switched to another service provider.

28. Ameritech Illinois admits that its Winback marketing promotions are intended for customers that have switched to another local service provider; however, Ameritech Illinois denies that such materials are never sent to customers who move, suspend or discontinue service altogether.

29. Ameritech Illinois denies that it provides its retail marketing division with line loss notifications that are superior to the line loss notifications provided to Z-Tel and denies the remaining allegations in paragraph 29.

30. Ameritech Illinois denies that its Winback marketing materials acknowledge that Ameritech's retail operations receive Line Loss Notifications more favorable than the information provided to Z-Tel, and Ameritech Illinois denies that its retail marketing operations, in fact, receive more favorable information.

31. Ameritech Illinois denies that its Winback solicitation shown in Exhibit E to the complaint is misleading or invites false accusations of slamming. Ameritech Illinois further states that Exhibit E speaks for itself.

32. Ameritech Illinois admits that it has offered the Winback promotions identified in paragraph 32 and attached as Exhibit F and states that these materials speak for themselves.

33. Ameritech Illinois denies the allegations of paragraph 33.

34. Ameritech Illinois admits that delayed or inaccurate line loss notifications may cause difficulty for Z-Tel's billing of customers; however, Ameritech Illinois lacks knowledge or information sufficient to form a belief as to the exact nature and extent of problems caused for Z-Tel, and Ameritech Illinois neither admits nor denies the remaining allegations in paragraph 34.

35. On information and belief, Ameritech Illinois admits that the correspondence attached to the complaint in Exhibit B was sent to Z-Tel and states that said correspondence speaks for itself.

36. Ameritech Illinois admits that the Michigan Public Service Commission issued the Order that is attached as Exhibit G to the Complaint, and states that the Order speaks for itself.

37. Ameritech Illinois denies the allegations of paragraph 37.

38. Ameritech Illinois denies the allegations in paragraph 38.

39. Ameritech Illinois admits the statements in paragraph 39.

40. Ameritech Illinois admits the statements in paragraph 40.

COUNT I

41. Ameritech Illinois repeats and realleges its answers to paragraphs 1-40 as its answers to paragraphs 1-40 of Count I.

42. Ameritech Illinois admits that paragraph 42 contains a partial recitation of Section 13-514 of the Public Utilities Act and states that the statute speaks for itself.

43. Ameritech Illinois admits that paragraph 43 contains a partial recitation of Section 13-801 of the Public Utilities Act and states that the statute speaks for itself.

44. Ameritech Illinois admits that its Interconnection Agreement with Z-Tel contains the provision cited in paragraph 44, and states that the Agreement speaks for itself.

45. Ameritech Illinois denies the allegations of paragraph 45 and subparagraphs (a) – (g) thereof.

46. Ameritech Illinois denies the allegations of paragraph 46.

WHEREFORE Ameritech Illinois respectfully requests that the Commission enter judgment in favor of Ameritech Illinois and against Z-Tel on Count I of the Complaint.

COUNT II

47. Ameritech Illinois repeats and realleges its answers to paragraphs 1-46 as its answers to paragraphs 1-46 of Count II.

48. Ameritech Illinois admits that its Interconnection Agreement with Z-Tel contains the provision cited in paragraph 48, and states that the Agreement speaks for itself.

49. Ameritech Illinois admits that paragraph 49 contains a partial recitation of Section 10-101 of the Public Utilities Act and states that the statute speaks for itself.

50. Ameritech Illinois admits that paragraph 50 contains a recitation of Section 9-241 of the Public Utilities Act and states that the statute speaks for itself.

51. Ameritech Illinois admits that paragraph 51 contains a recitation of Section 9-250 of the Public Utilities Act and states that the statute speaks for itself.

52. Ameritech Illinois admits that paragraph 52 contains a partial recitation of Section 9-251 of the Public Utilities Act and states that the statute speaks for itself.

53. Ameritech Illinois admits that paragraph 53 contains a partial recitation of Section 9-252 of the Public Utilities Act and states that the statute speaks for itself.

54. Ameritech Illinois admits that paragraph 54 contains a partial recitation of Section 9-252.1 of the Public Utilities Act and states that the statute speaks for itself.

55. Ameritech Illinois admits that paragraph 55 contains a partial recitation of Section 10-108 of the Public Utilities Act and states that the statute speaks for itself.

56. Ameritech Illinois denies the allegations of paragraph 56.

57. Ameritech Illinois denies the allegations of paragraph 57.

WHEREFORE Ameritech Illinois respectfully requests that the Commission enter judgment in favor of Ameritech Illinois and against Z-Tel on Count II of the Complaint.

COUNT III

Leave to file Count III was denied by ruling of the Administrative Law Judge dated March 21, 2002.

REQUEST FOR EMERGENCY RELIEF

Ameritech Illinois incorporates by reference its Verified Response of Illinois Bell Telephone Company to Request for Emergency Relief filed February 25, 2002 and its Supplemental Response of Illinois Bell Telephone Company to Request for Emergency Relief filed February 27, 2002 as part of its Response to paragraphs 61-84 of the complaint and further states the following:

61. Ameritech Illinois admits that Section 13-515(e) of the Act authorizes emergency relief in certain circumstances and states that the statute speaks for itself.

62. Ameritech Illinois denies the allegations in paragraph

63. Ameritech Illinois denies that it is proper to enjoin Ameritech Illinois' marketing campaign and solicitation of Z-Tel's customers. The remainder of paragraph 63 consists of arguments of law, rather than factual allegations. These arguments were addressed in Ameritech Illinois' prior Responses, and no additional response is required.

64. Paragraph 64 consists of arguments of law, rather than factual allegations. These arguments were addressed in Ameritech Illinois' prior Responses, and no additional response is required.

65. Paragraph 65 consists of arguments of law, rather than factual allegations. These arguments were addressed in Ameritech Illinois' prior Responses, and no additional response is required.

66. Paragraph 66 consists of arguments of law, rather than factual allegations. These arguments were addressed in Ameritech Illinois' prior Responses, and no additional response is required.

67. Ameritech Illinois denies the allegations of paragraph 67.

68. Ameritech Illinois denies the allegations of paragraph 68.

69. Paragraph 69 consists of arguments of law, rather than factual allegations. These arguments were addressed in Ameritech Illinois' prior Responses, and no additional response is required.

70. Ameritech Illinois states that Section 13-801 of the Act speaks for itself.

71. Ameritech Illinois denies that its current practice discriminates against Z-Tel, denies that its Winback marketing materials encourage customers to claim that they were slammed, and denies that Z-Tel has no ability to send a similar marketing package because of Ameritech's faulty line loss notification process.

72. Ameritech Illinois denies the allegations in paragraph 72.

73. Paragraph 73 consists of arguments of law, rather than factual allegations. These arguments were addressed in Ameritech Illinois' prior Responses, and no additional response is required.

74. Ameritech Illinois denies the allegations of paragraph 74.

75. Ameritech Illinois admits that its retail operations initiate Winback marketing activity with customers that it has lost to competitors within a short time after it learns of the loss, but Ameritech Illinois denies that these activities cause Z-Tel irreparable harm and denies the remaining allegations in paragraph 75.

76. Paragraph 76 consists of arguments of law, rather than factual allegations. These arguments were addressed in Ameritech Illinois' prior Responses, and no additional response is required.

77. Ameritech Illinois denies the allegations of paragraph 77.

78. Ameritech Illinois denies that granting the emergency relief requested by Z-Tel would be in the public interest.

79. Ameritech Illinois denies the allegations of paragraph 79.

80. Ameritech Illinois denies the allegations of paragraph 80.

81. Ameritech Illinois denies the allegations of paragraph 81.

82-84. Paragraphs 82-84 address procedural issues and no response is required thereto.

WHEREFORE, Ameritech Illinois respectfully requests that Z-Tel's request for emergency relief be denied.

Respectfully submitted,
Illinois Bell Telephone Company
By: Edward A. Butts

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I, Glen R. Sirles, on oath state that the statements set forth in Ameritech Illinois' Verified Answer to Z-Tel's First Amended Verified Complaint and Request for Emergency Relief, including the statements of lack of knowledge and information sufficient to form a belief as to certain allegations, are true and correct to the best of his knowledge, information and belief.

___Glen R. Sirles_____

Subscribed and sworn to
before me this 1st day of April, 2002

Notary Public

Notice of Filing and Certificate of Service

Under penalties as provided by law pursuant to Section 1-109 of the Illinois Code of Civil Procedure, the undersigned, an attorney, certifies that Ameritech Illinois' Verified Answer to Z-Tel's First Amended Verified Complaint and Request for Emergency Relief was filed with Donna Caton, Chief Clerk of the Illinois Commerce Commission by edocket on April 3, 2002, and a copy was served on each person on the attached Service List by electronic mail on April 3, 2002.

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Service List Docket 02-0160

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